

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR UINTAH COUNTY.

The Randlett Irrigating and Canal Company,
a corporation,

Plaintiff.

VS

Lon Peta Cesspooch, Jane Tapoof, Ben Nicowrie,
Tacima Mowatz, Tavigah, Nanokechev, all Indian
Allottees, A. L. Gray, and Walter L. Fisher,
Secretary of the Interior,
Defendants.

DECREE.

This cause having been heretofore heard by the Court sitting without a jury, upon the pleadings and evidence adduced at such hearing, Peter Hanson, Esq., and T. W. O'Donnell, Esq., appearing as counsel for plaintiff herein, Harvey Bluff, Esq. appearing as counsel for the defendant A. L. Gray, and Wm. M. McCrea, Esq. Assistant U. S. Attorney appearing for said Indian Allottees and the Government, the rights of the defendant and the matters in litigation as to the defendant A. L. Gray, having been adjudicated and settled by separate decree. The Court having filed herein its Findings of Fact and Conclusions of Law.

NOW THEREFORE, by reason of the facts aforesaid and of the stipulation, so made and entered in to by the said Peter Hanson, Esq. and Wm. M. McCrea, representing their respective clients parties hereto, the Court now considers, orders, adjudges and decrees:

That the use for which said property is to be taken, and as described by metes and bounds in plaintiff's complaint herein, to wit: a right of way for canal purposes, is a public use, is authorized by law and that the taking of said property as prayed for in said complaint is necessary for such use by said plaintiff and that this is a proper case for the condemnation of said land as prayed for in plaintiff's complaint.

It is further adjudged and decreed, that the said property so described by metes and bounds in plaintiff's complaint, including all the right and interest of each of the defendants therein an thereto, be and the same is hereby condemned for the use of said plaintiff and its successors in interest for the uses and purposes set forth in plaintiff's complaint, to wit: for the purpose of constructing and maintaining a canal or water course, and for no other purpose, except such as may be reasonably necessary for the construction of the said canal and ditches thereon, for keeping the same in repair and for constructing the necessary crossings thereover and its use for the purposes hereinbefore mentioned.

It is further ordered, adjudged and decreed that the said defendants, Lon Peta Cesspooch, Jane Tapoof, Ben Nicowrie, Tacima Mowatz, Tavigah, Nanokechev and